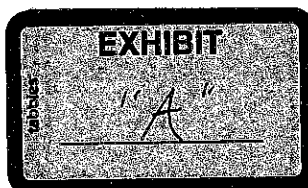


AFFIDAVIT OF CHRISTIAN LOPEZ

STATE OF NEW MEXICO)
)ss.
COUNTY OF RIO ARRIBA)

I, Christian Lopez, being duly sworn, states as follows:

1. In September 2010, I was a Lieutenant with the Espanola Police Department.
2. On Tuesday, September 7, 2010, at approximately 2:00 PM, I responded to a call at Espanola High School and met with school resource officer Danny Pacheco, Assistant Principal Devonna Ortega, school psychologist Lloyd Vigil, school security officer Chris Archuleta, and a student identified as B.J. in this lawsuit.
3. During the meeting, B.J.'s mother identified as C.J. in this lawsuit arrived at the school.
4. I was shown writings and drawings that, according to school resource officer Danny Pacheco, were found in B.J.'s backpack.
5. B.J. admitted to me that he wrote and drew the documents.
6. I observed three lists of names one of which was entitled "list for hell." B.J. stated that the names on the lists were names of other students in the school who "bugged him." The lists are attached hereto as Exhibit 1 to my affidavit.
7. The drawings that concerned me depicted the following: a disturbing scene of a "shack of blood," a beheading by a man wearing a t-shirt emblazoned with the words "unleash hell," a bloody scene in a room that appeared to be a chemistry lab, a torture room with two people in restraints (one with the name Angel on her t-shirt) and two heads on a "head shelf," a graveyard with four headstones containing



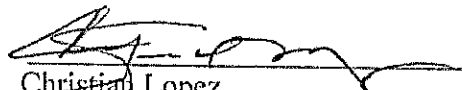
names of fellow students with the words "to HELL" at the bottom. These drawings are attached hereto as Exhibit 2 to my affidavit.

8. B.J. stated the pictures were of scenes from a movie he wanted to make. B.J. stated he used names of other students on the tombstones because they were students he would see on a daily basis who would "bug" him.
9. I confirmed with assistant principal Mrs. Devonna Ortega that some of the names on the lists, including the "list for hell," and on the tombstones were students at Espanola High School.
10. The fellow students identified on the lists are Jolene Benson (whom B.J. referred to as Pink Whore on the tombstone picture and the List for Hell); Chris D., and Austin.
11. The fellow students identified on the tombstones were Jolene Benson, Austin C. and Chris D. Trujillo.
12. I asked B.J. if he was going to hurt or injure himself and he replied "I don't think so" but that sometimes he didn't know what he was thinking in his head.
13. At this point, B.J.'s mother C.J. intervened in the interview and stated that B.J. did have violent tendencies as he did express them two weeks prior, when she told him to take a bath and get ready for school the next day. C.J. stated B.J. had placed his hand around C.J.'s throat and then grabbed her arms. C.J. still had bruises on the upper part of her arm that were in the healing process, which I observed. C.J. stated they were caused by Billy.
14. I then asked B.J. if he thought he could hurt someone, or any of the fellow students on the list and B.J. stated that he did not know.

15. I again asked B.J. if he would hurt himself such as kill himself, and B.J. stated "I don't know sometimes I think that's the only way out."
16. C.J. expressed concern for her safety not knowing if B.J. would attack her.
17. I was informed by C.J. that she had contacted B.J.'s father T.J., who lived in Georgia, and T.J. was very aggressive and started yelling over the telephone.
18. The school also had in its possession and showed me a handwritten note from a student and an email from a teacher regarding B.J.
19. The handwritten note was authored by a Samantha Madrid and stated that B.J. was threatening her and telling her he was going to kill her. According to the note, B.J. told Samantha Madrid that she was on B.J.'s "hit list" and that he was going to bring a knife or gun and kill her. A copy of this handwritten note is attached to my affidavit as Exhibit 3.
20. The email was sent to Gloria Champion from teacher Josefina Litera at 11:44 AM on September 7, 2010. In it, Ms. Litera stated that a female student observed B.J. making a list and that her name was on the list. In the email, Ms. Litera stated that the female student told Ms. Litera that she was afraid of B.J. Ms. Litera also noticed that B.J.'s hands were shaking. A copy of this email is attached to my affidavit as Exhibit 4.
21. B.J. was transported from the high school to St. Vincent's Hospital by ambulance for a psychiatric evaluation.
22. The next day, on September 8, 2010, I was informed by Espanola High School Assistant Principal Reuben Salazar that his daughter received phone calls from B.J. the night before asking that she come and pick him up from the hospital.

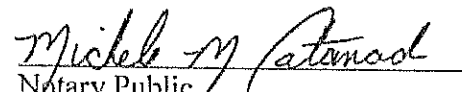
23. I also spoke to Mr. Salazar's daughter who confirmed that B.J. had called her from the hospital the night before asking for a ride home. She described B.J. as sounding "distant" on the telephone.
24. I knew from previous conversations with fellow Assistant Principal Reuben Salazar that his daughter was dating B.J.
25. I became concerned that B.J. was attempting to leave the hospital without permission since I knew that a minor could not be released into the care of another minor.
26. I attempted to ascertain the whereabouts of B.J. because I was concerned for the safety of the fellow students named in his writings and drawings.
27. I was contacted by the Assistant Superintendent Dr. Trujillo; he told me that Assistant Principal Mr. Salazar had contacted him to express his fear, as well as the fear of others at the high school, that B.J. would come to the school and act out what he had written and drawn.
28. Based on the foregoing, I believed I had probable cause to arrest B.J. I also believed his arrest was necessary to protect the public.
29. On September 8, 2010, I prepared the Criminal Complaint and Statement of Probable Cause attached to my affidavit as Exhibit 5.
30. That same day, I spoke to Juvenile Probation Officer Martha Fernandez at the Espanola Probation Office and requested permission to arrest B.J. so he could receive a psychiatric court ordered evaluation. Ms. Fernandez approved the immediate detention of B.J.

31. I then asked Espanola Police Office Richard Gallegos to make contact with the Ohkay Owingeh Police Department and ask permission to go to B.J.'s residence in Ohkay Owingeh Pueblo to arrest B.J.
32. On September 9, 2010, B.J. had still not been located I arrived at Espanola Valley High School. A fire alarm went off and the fire department was called.
33. At about this same time, I was informed that an anonymous caller had called the High School switchboard and stated that there was a student on campus with a black handgun in his backpack.
34. I began searching the high school when I was notified by Richard Gallegos that he had information at to B.J.'s whereabouts. I instructed Sgt. Gallegos to arrest B.J.
35. A short time later, I was told by Sgt. Gallegos that B.J. had been arrested at a medical center located in Espanola.


Christian Lopez

Subscribed and Sworn to before me this 8th day of ~~October~~, 2012, by Christian Lopez.
November

My commission expires:


Notary Public



List for Hell

1. Pink whore
2. Special Blonde
3. A at ASS
3. ChrisD
4. Chriss
5. Austin

CONFIDENTIAL

EXHIBIT 1
to Affidavit
of C. Lopez

CONFIDENTIAL

1. Andria

2. Krystal

3. Alex

4. Mario

5. Destie

6. Robert

7. Rosa

8. Alexandria

9. Chris

10. 1 girl

11. 1 boy

12. 13

Chris D.
Travillo

List

V1#5

CONFIDENTIAL

1. Nathan
2. Austin
3. Dustin
4. Rosa
5. Megan
6. Jaymes
7. Kayla

CONFIDENTIAL

RIP

Jolene

Bever

Vineyard

Rest In

RIP

Ismael

Peace

RIP

Angela

C

RIP

Chris D.

Trujillo

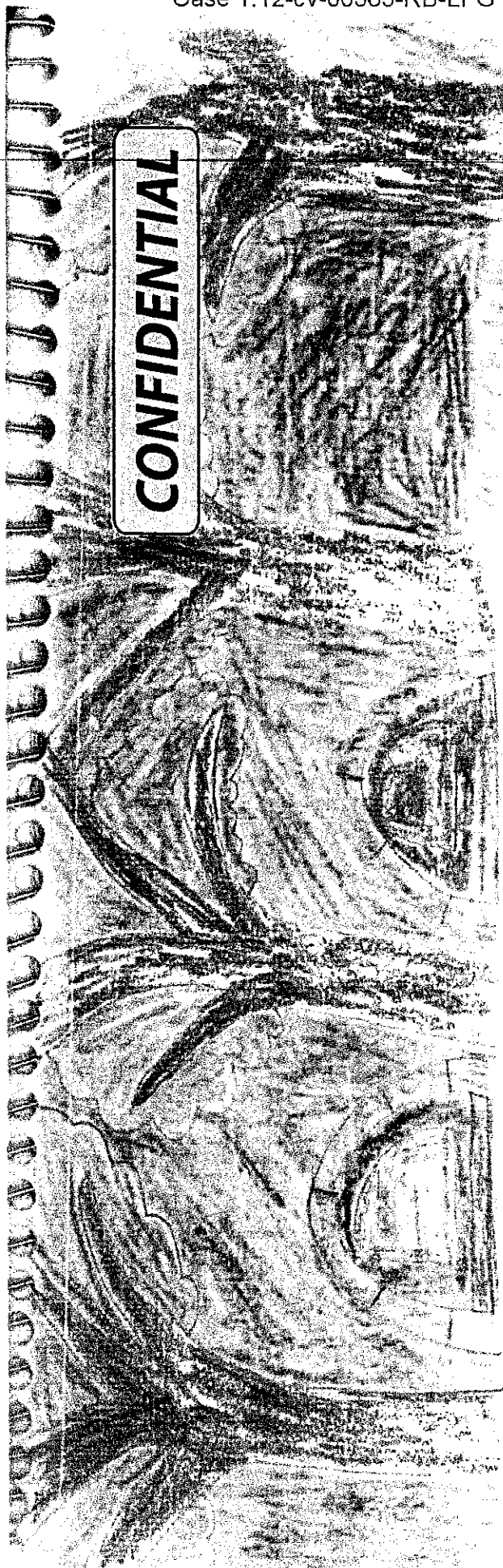
Mexican

Attler

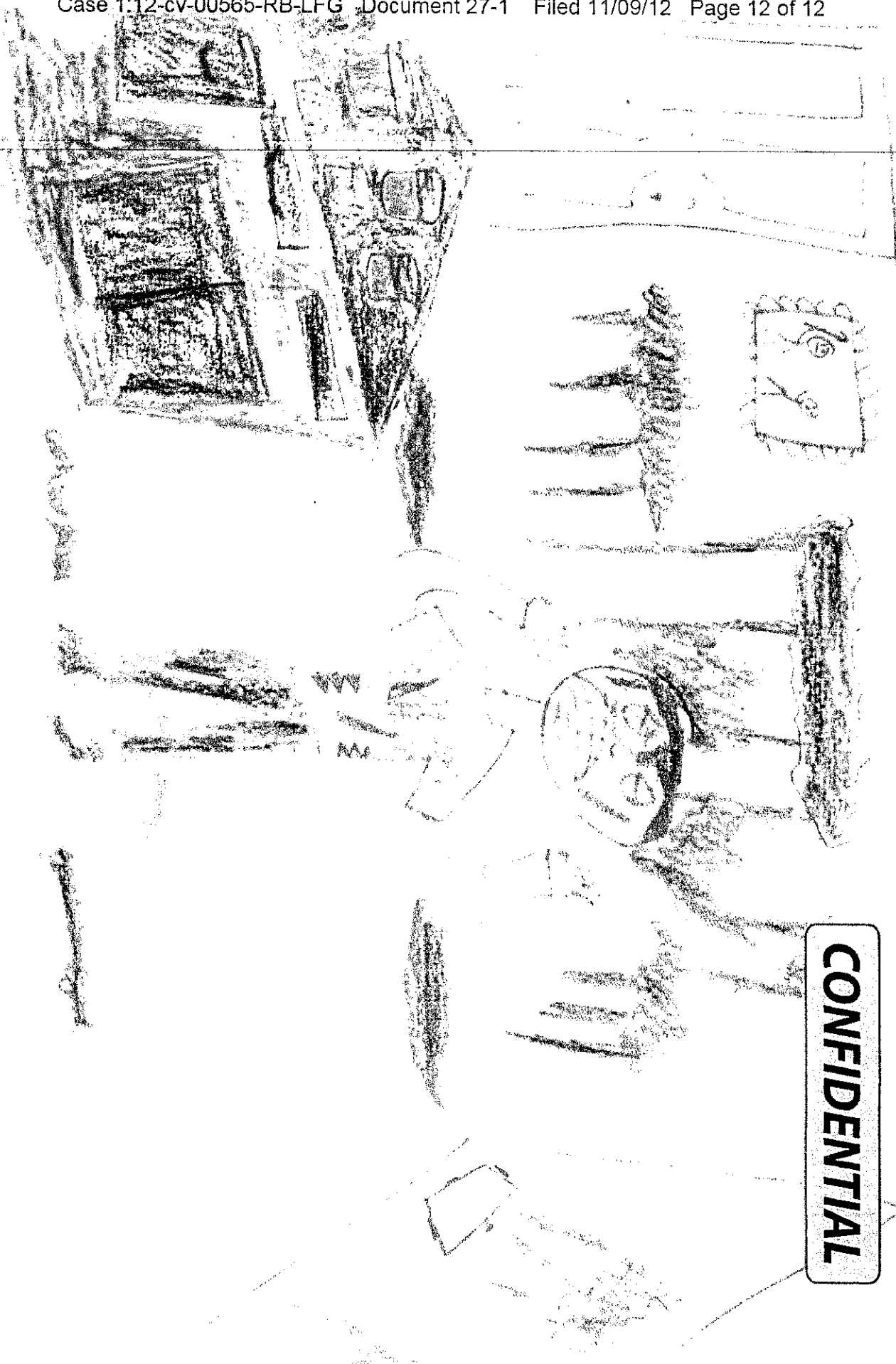
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EXHIBIT 2
to Affidavit
of C. Lopez

CONFIDENTIAL

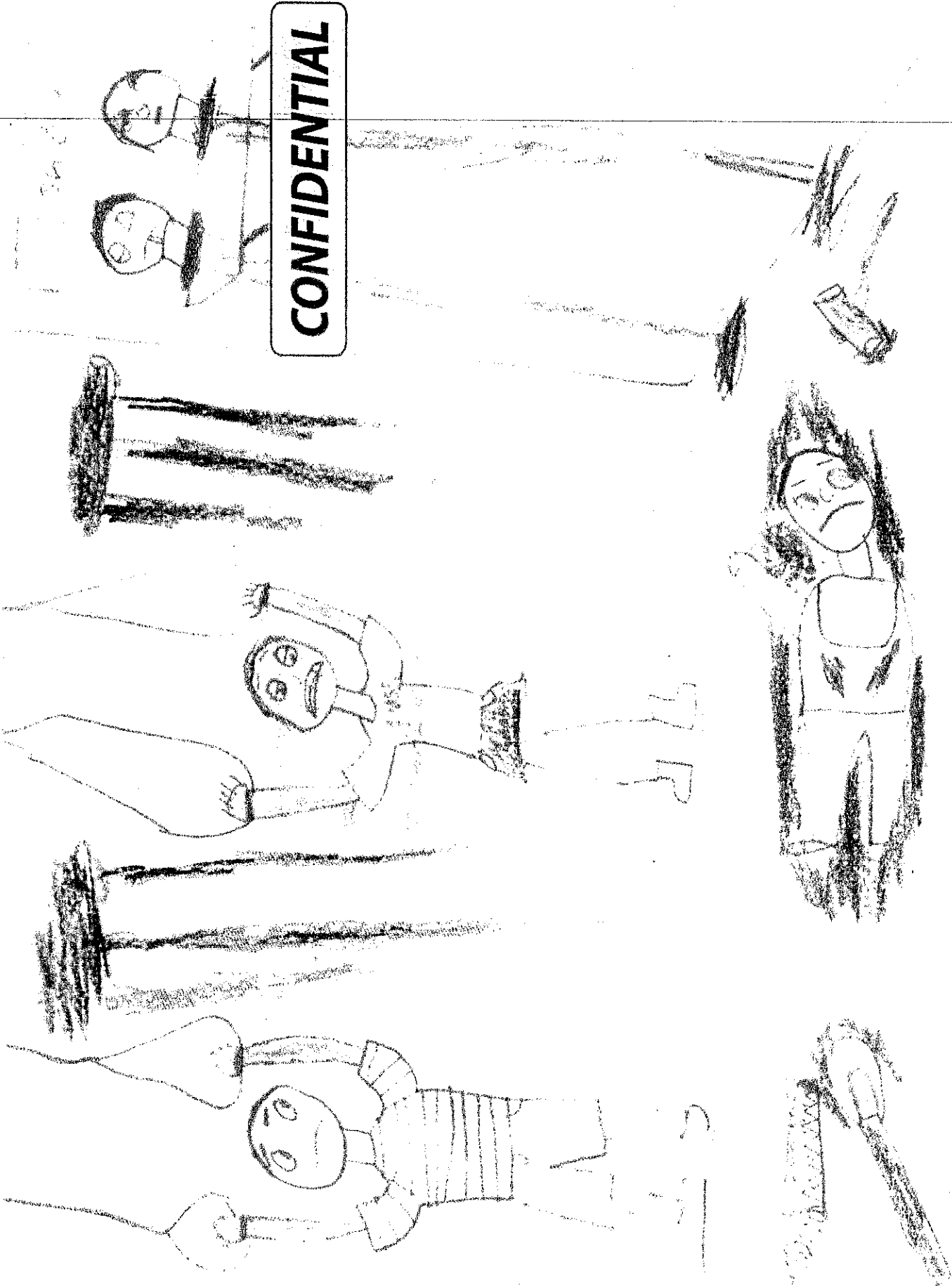


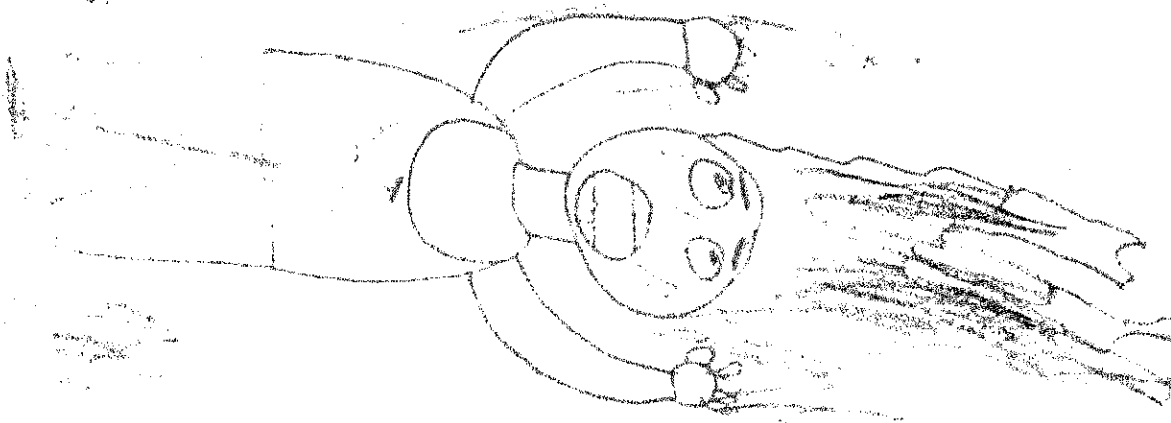
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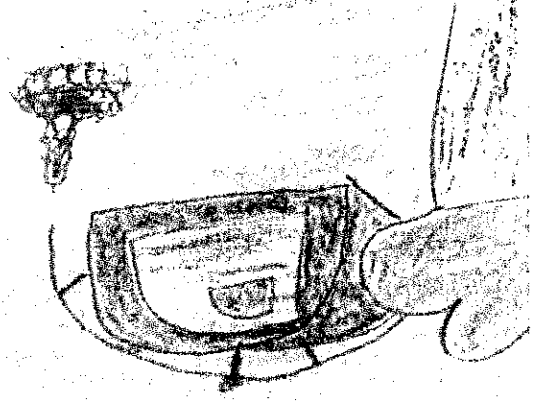
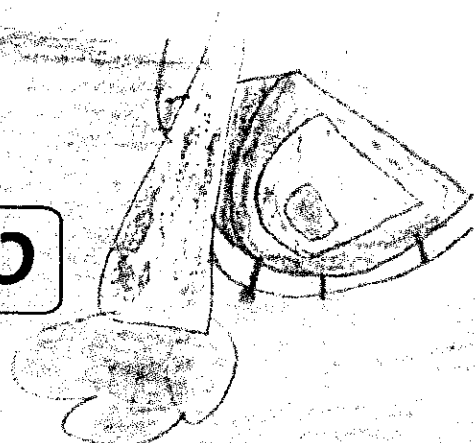
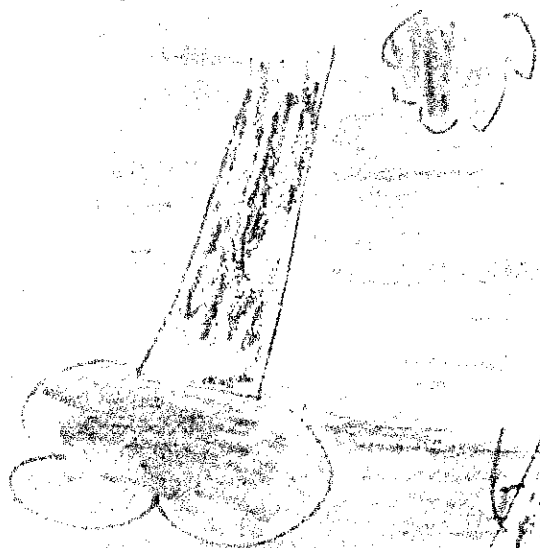
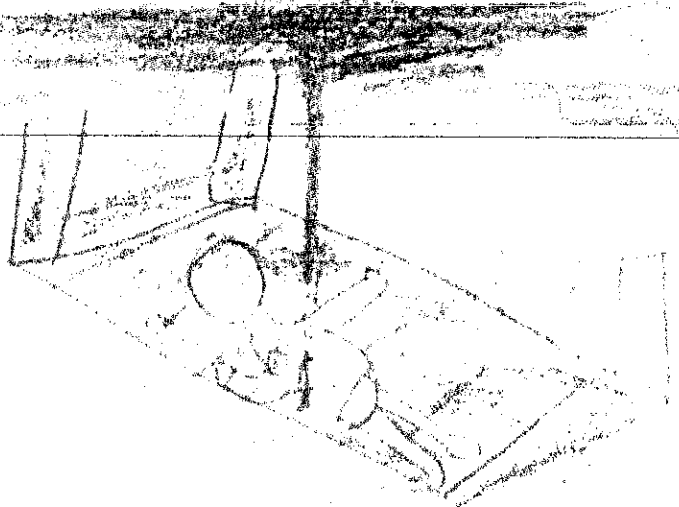
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TJ and CJ v. Pacheco et al., 12-CV-565 000017

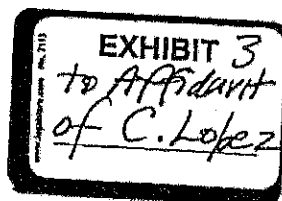
TJ and CJ v. Pacheco et. al., 12-CV-565 000066



CONFIDENTIAL

3-2-2010

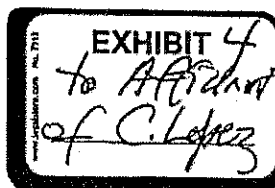
my name is Samantha Madrid and
Billy Jones is threatening me
by telling me that hes going
to kill me and that I was on
his hitlist and that he was going
to bring a knife or Gun and kill
me And Im afraid to come to
School. I want him to stop and leave
me alone because he will responsible
if he hurts me. be



Gloria Champion

From: Josefina Litera
Sent: Tuesday, September 07, 2010 11:44 AM
To: Gloria Champlon
Subject: Jones, Billy

I have Billy Jones in my class and I have observed that his hands are shaking. I asked him if he is okay and he said "yes". He just told me that he missed his breakfast that is why his hands are shaking. However, one of my students gave a comment that he is rolling his eyes and making a list and her name was on the list. I told this student (a girl) probably you are on list because she is noisy and laughing. Two girls said they are afraid of him. I hope you could look into his record if there is something wrong with his health.



FIRST JUDICIAL DISTRICT COURT
CHILDRENS COURT DIVISION
COUNTY OF RIO ARriba
STATE OF NEW MEXICO

VS.

BILLY JONES

STATEMENT OF PROBABLE CAUSE

States that I learned the following facts and circumstances which lead me to believe that Billy Jones D.O.B. 11-06-1994 SOC: Unk.

Committed or was committing the offense(s) of: Aggravated Assault; Attempt to commit a felony to wit; Murder

The undersigned hereby complains and states that on or about the 7th day of September, 2010, in the City of Espanola, in the County of Rio Arriba State of New Mexico, the above named child(s) did:

COUNT I: ATTEMPT TO COMMIT A FELONY.

attempt to commit a felony, to wit: Murder, which failed in its commission, in that Child did attempt to [kill Jolene Benson, Ismael (No Last Name), Austin C, Chris D. Trujillo. a human being without lawful justification or excuse by any of the means with which death may be caused, and did so in a willful, deliberate and premeditated manner, and did so knowing that such act which caused the death created a strong probability of great bodily harm or death to , and did not act upon sufficient provocation, a sudden quarrel or in the heat of passion, contrary to NMSA 1978, Section 30-2-1B contrary to NMSA 1978, Section 30-2-1A(1).], contrary to NMSA 1978, Sections 30-28-1 .

COUNT II: AGGRAVATED ASSAULT

willfully and intentionally assault, Jolene Benson, Ismael (No Last Name), Austin C, Chris D. Trujillo., with intent to commit a felony, to wit: Murder, contrary to NMSA 1978, Section 30-3-2C.

Victim(s): Listed above

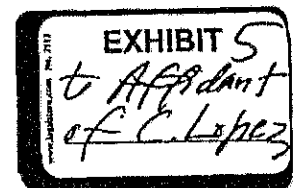
Address: Telephone Number:

Witness(s):

Address: Telephone Number

Was child armed at the time of offense? YES _____ NO XX

Describe weapon:



Describe property: (damaged, stolen, or recovered):

Estimated value of property:

Were personal injuries inflicted or threatened? YES ____ XX

If so, nature and extent:

Are there indications the respondent is under the influence of alcohol? NO drugs?

NO Mentally impaired? YES A gang member? NO A flight risk? YES

Describe indications if any:

Co-respondents:



Signature

Espanola Police Department

Based on the above, Lieutenant Christian D. Lopez believes there is probable cause to

Believe that Billy Jones
Child's Name

Did commit the crime(s) of COUNT I: ATTEMPT TO COMMIT A FELONY,
COUNT II: AGGRAVATED ASSAULT

Contrary, Section (s) 30-28-1, 30-3-2C, NMSA 1978.

This complaint is submitted for the limited purpose of demonstrating Probable Cause, and Lieutenant Christian D. Lopez has not set forth every fact learned in this case.

Officer

A detailed Espanola Police Department offense/incident report will follow.

I do solemnly declare and affirm under penalty of perjury that the matters and facts set forth in this statement are true to the best of my knowledge, information and belief.

CD Lopez
Officers Name Printed

7-8-10
Date

[Signature]
Officer Signature

STATEMENT OF PROBABLE CAUSE

The above Child has been arrested without a warrant for the following reasons (set forth a plain, concise and definitive statement of facts establishing probable cause):

On Tuesday September 7, 2010, at approximately 1400 hrs, I was called by School Resource Officer Danny Pacheco (EPD) who informed me of a student at the Espanola Valley high School, who was said to have a "hit list" of students at the high school. The list was hand written in on notebook paper, which contained thirteen names. Although some of the names did not include first and last names.

I met with the SRO and the child mentioned who was identified as Billy Jones (fifteen years of age). The Childs mother Cecilia Jones was also present.

Billy first stated that the names on the list were people who "bugged him" and though further investigation found that some of the students would pick on Billy or were bullying him and now he was targeting them through the list. Also contained in the books and packets belonging to Billy, had pictures (5 total), depicting dead people or a person stabbing another and severe blood loss. The List had information written on it indicating "list for hell". There were five persons identified not by name but by descriptions such as:

1. Pink Whore
2. Special Blonde
3. Fat ass
4. Chris D
5. Chriss
6. Austin.

Some of the pictures also depicted tomb stones with student's names on the tomb stones. Names on the tomb stones were Jolene Benson (Pink Whore), Ismael (No Last Name), Austin C, Chris D. Trujillo AKA: Mexican Hitler.

When I asked Billy about the names and the pictures Billy told me the pictures were of a movie he was going to make. They were scenes from the movie, and the names were of people, who he would see on a daily basis who would bug him.

I asked Billy if he was going to hurt or injure himself and he said "he didn't think so" but sometimes he didn't know what he was thinking in his head. Cecilia then intervened in the interview and mentioned that Billy did have violent tendencies as he did express them two weeks prior, when she told him to take a bath and get ready for school the next day. Billy was said to have placed his hands around his mother's throat and then grabbed her arms. Cecilia still had bruises on the upper part of her arm that was in the healing process.

Billy seemed very regressed and attached to his mother. At one point Dr. Lloyd Vigil (School Psychologist) asked Cecilia if she would allow Billy to be mentally evaluated. Cecilia turned to Billy and asked him, "Do you want to leave Mommy". Billy then started to rub his mothers arm and told her "no I don't want leave you Mommy".

I then asked Billy again if he thought he could hurt someone, or any of the persons on the list and he stated he now did not know, and when asked if he would hurt himself such as kill himself, and Billy stated, I don't know sometimes I think that's the only way out". It now became a concern that Billy would hurt someone else and himself including his mother. Cecilia expressed that she was concerned for her safety not knowing if Billy would attack her. Cecilia was clearly concerned for her own safety.

Billy was then sent to St. Vincent Hospital for a Psychiatric Evaluation, because of his possible homicidal and suicidal tendencies.

On Wednesday September 8, 2010, SRO Pacheco informed me that Billy had escaped from the hospital and his whereabouts were unknown. We later found out that Billy had been calling his girlfriend on the night prior indicating that he had been released and needed a ride home. His girlfriend did not go for him but did indicate in an interview that Billy seemed "distant" when she talked with him.

I later learned that Cecilia had gone for Billy on September 8, 2010, and had him with her at about 1000 hrs. Law Enforcement confirmed this.

The fear from the staff at the high school is that Billy will act out what he has written or drawn and has the opportunity and means by which to do this. Because of this fear the school was placed on high alert security and the idea of locking down the school was also brought out.